

State of Louisiana
Office of Alcohol and Tobacco Control

Jeff Landry
GOVERNOR



CHAD M. BROWN
ATC COMMISSIONER

Jarrod Coniglio
SECRETARY

Alcohol: Advisory Opinion No. 2026-001

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**REGULATION RELATED TO CLASS B & CLASS C RETAILERS WITH
ATTACHED CATERER PERMITS**

To Members of the Retail, Wholesale, and Supplier Tiers:

The purpose of this advisory is to provide clarity regarding the regulation of an attached caterer's permit and to ensure fair, consistent treatment across all tiers. This guidance addresses how retail accounts are classified and how alcohol market practices and trade practice regulations apply when a Class B or Class C retail permittee also holds a Class A-Caterer's permit issued in conjunction with that retail permit. It is issued as general guidance and does not reflect any finding that an industry member has misclassified an account; rather, it responds to an inquiry about whether a secondary or "attached" permit affects a business's classification. A Class A-Caterer's permit issued "attached" to a Class B or Class C off-premises (package store) permit does not convert that retailer into an on-premises account. The caterer's permit authorizes alcohol service only at a specific catered event, for up to three days, away from the licensed premises, and its privileges end when the event ends. Suppliers and wholesalers must continue to treat these businesses as off-premises retail accounts and may not extend on-premises pricing, programs, equipment, or other benefits based solely on the presence of an attached caterer's permit.

Scope of the Advisory

This advisory interprets ATC's administrative rules at LAC 55:VII.325 (Caterer Permits) and LAC 55:VII.323 (Regulation XI – Fairs, Festivals and Special Events). Section 325 authorizes ATC to issue an [Attached] Class A-Caterer's permit to a holder of a Class A, B, or C retail permit, allowing temporary sale and service of alcoholic beverages for up to three days at events away from the licensed premises. This advisory applies only to Class A-Caterer's permits issued in conjunction with Class B or Class C package store permits. It does not address caterer's permits issued under LAC 55:VII.325(A)(3) or (A)(4), or those issued in conjunction with a Class A permit.¹

Attached Caterer Permits

R.S. 26:793² authorizes the commissioner to adopt rules governing caterer permits and temporary special event permits, and R.S. 26:793(A)(4) directs the commissioner to adopt rules in accordance with the Administrative Procedure Act to effectuate that purpose. LAC 55:VII.323 and LAC 55:VII.325 were promulgated under that authority. Under §325, a Class A-Caterer's permit issued in conjunction with a Class B or Class C permit is not a separate or independent retail permit. It is secondary and derivative; it exists solely by virtue of, and depends on, the underlying primary retail permit to which it is attached. LAC 55:VII.325(A)(1)(a) requires the caterer's permit to be used in conjunction with the underlying permit and to expire with it.

¹ R.S. 26:71.1 and 26:271.2 provide in part Class A requirements for retail sale of alcoholic beverages for on-premises consumption purposes.

² R.S. 26:793 provides for the additional powers conferred upon the commissioner including in part issuance of caterer and special event permits and rulemaking authority.

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OPINION

It is the position of the ATC that an attached Class A-Caterer's permit issued in conjunction with a Class B or Class C permit is secondary to, and derivative of, that underlying permit. The underlying Class B or Class C is the primary permit and it determines the permittee's classification for purposes of supplier, wholesaler, and industry trade practice regulation. The issuance of an attached Class A-Caterer's permit does not convert an off-premises retailer into an on-premises retail account, and does not entitle the permittee to any benefit that is not available to off-premises retailers that do not hold a caterer's permit.

**Attached Caterer's Permit is Secondary and Event Specific
and Is Not a Special Event Permit**

The attached caterer's permit authorizes activity at a particular event and extends the permittee's primary permit, whereby the permittee's employees provide catering services that include the sale and service of alcoholic beverages. It does not confer a standing operating status. Under §325(B)(4), the permittee must give ATC written notice of the date, time, and place of each catered event at least one week before the event. Under §325(B)(2), the permit must be displayed at the premises of the event being catered. Under §325(B)(3), the permittee may cater only in an area where the sale of alcoholic beverages has been authorized by local option election and with the permission of the local governing authority. Each condition operates event by event. None of them attaches to the permittee's account or primary business.

LAC 55:VII.323(B)(2) provides that Class A-Caterer's permits shall not be utilized in lieu of special event permits that is required where alcoholic beverages are served as an incidental part of an event for payment rendered, or are supplied as part of a general admission or other type fee. Section 323 carries its own conditions, including a maximum of twelve (12) such permits to any one person, organization, or entity within a single calendar year, and, for a commercial Type C permittee, the full application of R.S. 26:287(9) and Regulation IX. A caterer's permit may not be used to reach those events, and may not be used to avoid those conditions. It follows that the caterer's permit is not the instrument through which a retailer acquires event privileges generally, and it is not the instrument through which an industry member may extend event support. Where an event requires a special event permit, the retailer must obtain one, and the treatment that follows is the treatment that permit carries.

An industry member that declines to extend on-premises pricing, programs, equipment, or services on the basis of an attached caterer's permit is acting consistently with these rules. Industry members may cite this advisory in response to a request for such treatment. LAC 55:VII.325(C) contains a limited exception permitting an industry member to furnish certain enumerated items to a caterer permit holder for a specific catered event, at minimum charges the rule prescribes. That exception is conditional and event-bound. It confers nothing at the licensed premises, nothing at the account level, and no change in the permittee's classification. It is not a program and may not be administered as one. The continued validity of the Class A Caterer's Permit is wholly dependent upon the existence and validity of the underlying Class B or Class C permit. Should the primary permit be suspended, revoked, surrendered, or otherwise cease to exist, the attached caterer's permit likewise ceases to have force and effect pursuant to LAC 55:VII.325(A)(1)(b).

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Trade Practice Guidance

This advisory is intended to give members of the supplier and wholesale tiers a clear and uniform basis for classifying these accounts. A retail account is classified according to the retail permit issued for the licensed premises. A Class B or Class C permit is an off-premises permit. An attached Class A-Caterer's permit does not change that classification, and does not provide a basis for recording, coding, or treating the account as on-premises. Eligibility for pricing, programs, equipment, services, and trade practice treatment follows the account classification; the account classification follows the primary permit.

Because the caterer's permit supplies no such basis, an industry member may not afford such a permittee an exception, benefit, or inducement on the ground that the permittee holds an attached caterer's permit. Treating these retailers as on-premises accounts for purposes of supplier or wholesaler marketing programs would be inconsistent with LAC 55:VII.325, LAC 55:VII.323, and R.S. 26:90, 26:91, 26:286, and 26:287. This is further supported under LAC 55:VII.323(F)(2) which states in part that equipment of the kind listed in that Subsection "may not be furnished to regular licensed retail dealers unless the dealer acquires a temporary special event permit," and may not be provided by a wholesaler for functions where no permit is issued but beer is acquired from a retail dealer, such as private parties or receptions. The gate is the permit issued for the event. An attached caterer's permit is not that gate and does not substitute for it. Consistent with this, §323(E)(1)(e) requires that signage, equipment, or other items provided by a manufacturer or wholesaler in connection with an event be removed from the retail dealer's premises immediately upon the conclusion of the event, and §323(E)(1)(h) permits the retail permit holder to receive no proceeds, product, sponsorship dollars, promotional items, or other items of value other than a reasonable rental fee at fair market value.

Accordingly, an industry member may not extend to these permittees any benefit that would not otherwise be available to a similarly situated Class B or Class C off-premises retailer, including but not limited to:

1. On-premises draft, well, or "bar call" placement programs, or similar inducement arrangements;
2. Special discounts, rebates, allowances, or pricing programs specific to on-premises or off-premises retailers;
3. The furnishing of equipment, furnishings, fixtures, draft systems, refrigeration equipment, signage, labor, or other items of independent utility value at the permittee's licensed premises, or at any event for which no permit authorizing that event has been issued;
4. Free or below-cost goods, equipment, or services, and any arrangement that would circumvent the minimum charges or the permit gating established in LAC 55:VII.323 and LAC 55:VII.325.

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CONCLUSION

The issuance of an attached Class A-Caterer's permit does not change the regulatory classification of a Class B or Class C retailer. Under LAC 55:VII.325(A)(1)(a), the caterer's permit must be used in conjunction with the underlying retail permit and expires with it. Under §325(A)(1)(b), it ceases to be valid if the underlying permit ceases to be valid for cause. Under LAC 55:VII.323(B)(2), it may not be utilized in lieu of a special event permit. It is a supplemental, event specific and a temporary privilege that derives entirely from, and remains secondary to the underlying retail permit. Consequently, industry members should continue to classify and treat these permit holders as off-premises retail accounts, and should not extend benefits, inducements, services, equipment, discounts, or other things of value beyond what is permitted by law.

Scope and Effect

This advisory interprets existing law. It is issued as general guidance, applies uniformly to all similarly situated permittees and industry members, and is intended to operate prospectively. ATC recognizes that account classification in this circumstance has presented a reasonable question, and appreciates the trade association that sought clarification on behalf of the industry rather than proceeding without it. To the extent an existing account classification or program is inconsistent with this advisory, industry members should work to bring it into conformity.

If you would like additional information or have questions regarding this advisory, you may contact Linda Pham, Deputy Commissioner, Office of Alcohol and Tobacco Control, by email to linda.pham@atc.la.gov or by phone at (225) 772-7710.

Respectfully,

Chad Brown, Commissioner,
Office of Alcohol and Tobacco Control